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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/065,895	11/27/2002	Andrew Philip Brown	71522-3	5296
20915	7590	05/20/2004	EXAMINER	
MCGARRY BAIR PC 171 MONROE AVENUE, N.W. SUITE 600 GRAND RAPIDS, MI 49503			LE, DUY K	
			ART UNIT	PAPER NUMBER
			2685	6

DATE MAILED: 05/20/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/065,895

Applicant(s)

BROWN, ANDREW PHILIP

Examiner

Duy K Le

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-12 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-12 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
- 1) ☒ Certified copies of the priority documents have been received.
 - 2) ☐ Certified copies of the priority documents have been received in Application No. ____.
 - 3) ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|--|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>4</u> . | 6) <input type="checkbox"/> Other: ____ |

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1-12 are rejected under 35 U.S.C. 102(e) as being anticipated by Holt (U.S. Patent Application Publication 2003/0044654 A1).

As to claim 1, Figure 1 in Holt shows a wireless headset-based communication arrangement (100), comprising:

a first subscriber unit (102) (“the system 100 includes a primary wireless device 102, other wireless devices 104a, 104b, . . . 104n, a remote master station 108, and a remote device 112” (page 2, col. 1, paragraph [0013], lines 2-5);

a wireless headset (102) associated with said first subscriber unit to form a wireless communication apparatus (“the primary wireless device 102 may be a mobile phone, such as a cellular phone, a personal digital assistant (PDA) device with integrated or add-on external telephone call capability, or another type of wireless device, such as a headset-only or a handset-only device. Like the primary wireless device 102, the other wireless devices 104 may each be a cellular phone, a PDA device, or another type of wireless device, such as a headset-only or handset-only device” (page 2, col. 1, paragraph [0013], lines 5-13). “Furthermore, either device can be separated into different constituent components, such as individual handset and headset

components, even where these components communicate with one another wirelessly” (page 2, col. 1, paragraph [0015], lines 14-17));

a detector within the wireless communication apparatus to detect a spatial proximity of at least one second subscriber unit (104a) or second wireless headset (104a) (“the other wireless devices 104 are communicatively proximate to the primary wireless device 102, in that the latter can communicate with each of the former according to the communication manner indicated by the bolt 106” (page 2, col. 2, paragraph [0016], lines 15-19). “The device 102 first performs a discovery process to become aware of the other wireless devices 104” (page 2, col. 2, paragraph [0017], lines 4-6). “This can be accomplished by the primary wireless device broadcasting a discovery signal, such that any local communicatively proximate wireless devices receive the signal, and correspondingly respond. The primary wireless device receives these responses to become aware of the other wireless device” (page 3, col. 2, paragraph [0021], lines 11-16)); and

in response to said detection, said wireless headset associated with said first subscriber unit is adapted to communicate directly with said at least one second subscriber unit or second wireless headset (“once the discovery process is completed, the primary wireless device 102 invites one or more of the devices 104 to join the external call established with the device 112, also according to the communication manner indicated by the bolt 106” (page 2, col. 2, paragraph [0017], lines 11-15). “Preferably, this communication manner is a local wireless networking technology, such as IEEE 802.11b wireless networking technology, also known as Wi-Fi wireless networking technology, and Bluetooth wireless networking technology” (page 2, col. 1, paragraph [0013], lines 15-19)).

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As to claim 2, the Holt reference discloses the wireless headset-based communication arrangement according to Claim 1, wherein said direct communication is a short-range wireless communication (“the primary wireless device 102 is able to communicate with the other wireless devices 104 via a communication manner, as indicated by the bolt 106. Preferably, this communication manner is a local wireless networking technology, such as IEEE 802.11b wireless networking technology, also known as Wi-Fi wireless networking technology, and Bluetooth wireless networking technology” (page 2, col. 1, paragraph [0013], lines 13-19)).

As to claim 3, the Holt reference discloses the wireless headset-based communication arrangement according to Claim 1, wherein said at least one second subscriber unit or second wireless headset is a plurality of subscriber units or wireless headsets such that group communications are implemented between said wireless headset associated with said first subscriber unit and the plurality of subscriber units or wireless headsets (“once the discovery process is completed, the primary wireless device 102 invites one or more of the devices 104 to join the external call established with the device 112, also according to the communication manner indicated by the bolt 106” (page 2, col. 2, paragraph [0017], lines 11-15). “The primary wireless device 102 extends the external call to a conference call including these devices. The device 102 sends any audible signals sent to or received from the device 112 via the communication manner indicated by the bolt 110 to those of the devices 104 that were invited and had accepted invitation to join the call” (page 2, col. 2, paragraph [0017], lines 27-33)).

As to claim 4, the Holt reference discloses the wireless headset-based communication arrangement according to Claim 3, wherein said wireless headset associated with said first subscriber unit provides broadcast communication to any of the plurality of subscriber units or

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wireless headsets within range of said wireless headset associated with said first subscriber unit (“the primary wireless device 102 extends the external call to a conference call including these devices. The device 102 sends any audible signals sent to or received from the device 112 via the communication manner indicated by the bolt 110 to those of the devices 104 that were invited and had accepted invitation to join the call” (page 2, col. 2, paragraph [0017], lines 27-33)).

As to claim 5, the Holt reference discloses the wireless headset-based communication arrangement according to Claim 1, wherein an identification is associated with the at least one second subscriber unit and the first subscriber unit uses the identification to communicate with the at least one second subscriber unit or its associated headset (“the primary wireless device invites desired ones of the local communicatively proximate wireless devices of which it is aware to join the external call (306). This can be accomplished again by the primary device sending an invite signal to the other devices, such that the other device respond as to whether or not they wish to join the external call. The primary wireless device finally extends the external call as a conference call with those devices that accept its invitation (308)” (page 3, col. 2, paragraph [0022], lines 1-9)).

As to claim 6, the Holt reference discloses the wireless headset-based communication arrangement according to Claim 1, wherein said detector is contained within said first subscriber unit or said wireless headset (“the second communication mechanism 204 allows the device 102 to communicate with other, communicatively proximate wireless devices 104” (page 3, col. 1, paragraph [0020], lines 15-17). See also Figure 2).

As to claim 7, the Holt reference discloses the wireless headset-based communication arrangement according to Claim 1, wherein said detector detects a presence of a proximal at least

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one second subscriber unit or associated wireless headset when within the order of ten meters of said detector (“once the discovery process is completed, the primary wireless device 102 invites one or more of the devices 104 to join the external call established with the device 112, also according to the communication manner indicated by the bolt 106” (page 2, col. 2, paragraph [0017], lines 11-15). “Preferably, this communication manner is a local wireless networking technology, such as IEEE 802.11b wireless networking technology, also known as Wi-Fi wireless networking technology, and Bluetooth wireless networking technology” (page 2, col. 1, paragraph [0013], lines 15-19). Bluetooth technology inherently provides short-range communication and detection covering distance within the order of ten meters).

As to claim 8, the Holt reference discloses the wireless headset-based communication arrangement according to Claim 1, wherein said first subscriber unit is one of: a cellular telephone, a mobile or portable radio, a personal digital assistant, a computer (“the primary wireless device 102 may be a mobile phone, such as a cellular phone, a personal digital assistant (PDA) device with integrated or add-on external telephone call capability, or another type of wireless device, such as a headset-only or a handset-only device. Like the primary wireless device 102, the other wireless devices 104 may each be a cellular phone, a PDA device, or another type of wireless device, such as a headset-only or handset-only device” (page 2, col. 1, paragraph [0013], lines 5-13)).

As to claim 9, the Holt reference discloses a wireless headset adapted to operate in the wireless headset-based communication arrangement of Claim 1 (“the primary wireless device 102 may be a mobile phone, such as a cellular phone, a personal digital assistant (PDA) device with integrated or add-on external telephone call capability, or another type of wireless device,

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such as a headset-only or a handset-only device. Like the primary wireless device 102, the other wireless devices 104 may each be a cellular phone, a PDA device, or another type of wireless device, such as a headset-only or handset-only device” (page 2, col. 1, paragraph [0013], lines 5-13). “Furthermore, either device can be separated into different constituent components, such as individual handset and headset components, even where these components communicate with one another wirelessly” (page 2, col. 1, paragraph [0015], lines 14-17)).

As to claim 10, the Holt reference discloses a communication device adapted to operate in the wireless headset-based communication arrangement of Claim 1 (“the primary wireless device 102 may be a mobile phone, such as a cellular phone, a personal digital assistant (PDA) device with integrated or add-on external telephone call capability, or another type of wireless device, such as a headset-only or a handset-only device. Like the primary wireless device 102, the other wireless devices 104 may each be a cellular phone, a PDA device, or another type of wireless device, such as a headset-only or handset-only device” (page 2, col. 1, paragraph [0013], lines 5-13). “Furthermore, either device can be separated into different constituent components, such as individual handset and headset components, even where these components communicate with one another wirelessly” (page 2, col. 1, paragraph [0015], lines 14-17)).

As to claim 11, Figure 2 in Holt shows a wireless headset (102) comprising:

a transmitter (204) (“the primary wireless device 102 may be a mobile phone, such as a cellular phone, a personal digital assistant (PDA) device with integrated or add-on external telephone call capability, or another type of wireless device, such as a headset-only or a handset-only device. Like the primary wireless device 102, the other wireless devices 104 may each be a cellular phone, a PDA device, or another type of wireless device, such as a headset-only or

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handset-only device. The primary wireless device 102 is able to communicate with the other wireless devices 104 via a communication manner, as indicated by the bolt 106. Preferably, this communication manner is a local wireless networking technology, such as IEEE 802.11b wireless networking technology, also known as Wi-Fi wireless networking technology, and Bluetooth wireless networking technology” (page 2, col. 1, paragraph [0013], lines 5-19).

“Furthermore, either device can be separated into different constituent components, such as individual handset and headset components, even where these components communicate with one another wirelessly” (page 2, col. 1, paragraph [0015], lines 14-17));

a receiver (204) for communicating with its associated communication unit in a first mode of operation (see page 2, col. 1, paragraph [0013], lines 5-19 & paragraph [0015], lines 14-17)), and

a processor for selecting a second mode of operation (204) of the wireless headset to communicate directly with one or more alternative communication units or wireless headsets of said alternative communication units (“the conference call mechanism 206 extends external telephone calls established via the first communication mechanism 202 to conference calls with the devices 104 via the second communication mechanism 204” (page 3, col. 1, paragraph [0020], lines 19-22)).

As to claim 12, the Holt reference discloses the wireless headset according to Claim 11, wherein the wireless headset comprises a detector operably coupled to the processor, and said second mode of operation is selected by the wireless headset based upon a spatial proximity of said one or more alternative communication units or wireless headsets of said alternative communication units as determined by the detector (“the other wireless devices 104 are

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communicatively proximate to the primary wireless device 102, in that the latter can communicate with each of the former according to the communication manner indicated by the bolt 106" (page 2, col. 2, paragraph [0016], lines 15-19). "The device 102 first performs a discovery process to become aware of the other wireless devices 104" (page 2, col. 2, paragraph [0017], lines 4-6). "This can be accomplished by the primary wireless device broadcasting a discovery signal, such that any local communicatively proximate wireless devices receive the signal, and correspondingly respond. The primary wireless device receives these responses to become aware of the other wireless device" (page 3, col. 2, paragraph [0021], lines 11-16). "Once the discovery process is completed, the primary wireless device 102 invites one or more of the devices 104 to join the external call established with the device 112, also according to the communication manner indicated by the bolt 106" (page 2, col. 2, paragraph [0017], lines 11-15)).

Conclusion

3. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

- a. Wasenius (U.S. Patent Application Publication 2002/0151320 A1) discloses wireless group communication system.
- b. Haller et al. (U.S. Patent Application Publication 2003/0095521 A1) discloses device, system, method and computer readable medium for pairing of devices in a short distance wireless network.

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- c. Iwata (U.S. Patent Application Publication 2002/0045454 A1) discloses radio communication connection destination specifying method.
 - d. Beamish et al. (U.S. Patent 6,694,143) discloses system for using a local wireless network to control a device within range of the network.
 - e. Tang et al. (U.S. Patent Application Publication 2002/0114350 A1) discloses systems, devices and methods for use in proximity-based networking.
 - f. Pearson (U.S. Patent Application Publication 2002/0103863 A1) discloses mobile community communicator.
 - g. Anvekar et al. (U.S. Patent Application Publication 2002/0068610 A1) discloses method and apparatus for selecting source device and content delivery via wireless connection.
 - h. Thomas (U.S. Patent Application Publication 2001/0049283 A1) discloses conference call method and apparatus therefor.
 - i. Lehtonen (U.S. Patent Application Publication 2001/0049262 A1) discloses hands-free function.
4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Duy K Le whose telephone number is 703-305-5660. The examiner can normally be reached on 8:30 am - 5:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Edward F Urban can be reached on 703-305-4385. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Duy Le
May 10, 2004


EDWARD F. URBAN
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2600